

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

TIMOTHY LEVI NELSON, )  
Petitioner, )  
v. ) No. 4:06-CV-625 CAS  
STATE OF MISSOURI, )  
Respondent. )

**MEMORANDUM AND ORDER**

This matter is before the Court upon the application of Timothy Levi Nelson for leave to commence this action without payment of the required filing fee. Upon consideration of the financial information provided with the application, the Court finds that petitioner is financially unable to pay the filing fee.

Petitioner, a civilly-committed resident of the Missouri Sexual Offender Treatment Center, seeks a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner challenges the constitutionality of Missouri's Sexually Violent Predators Act, Missouri Revised Statutes §§ 632.480-.513 (2000). He seeks his immediate release and concedes that he has not exhausted his state remedies.

In the absence of exceptional circumstances, a petitioner must exhaust currently available and adequate state remedies before invoking federal habeas corpus jurisdiction. Braden v. 30th Judicial Circuit Court of Kentucky, 410 U.S. 484 (1973). Because petitioner has not done so, the Court will dismiss the instant action, without prejudice.

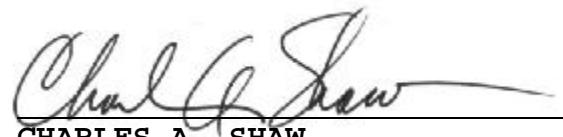
Accordingly,

**IT IS HEREBY ORDERED** that petitioner's motion for leave to proceed in forma pauperis is **GRANTED**. [Doc. 1]

**IT IS FURTHER ORDERED** that petitioner's petition for a writ of habeas corpus is **DENIED** without prejudice.

**IT IS FURTHER ORDERED** that petitioner's motion for appointment of counsel is **DENIED** as moot. [Doc. 3]

An appropriate order of dismissal shall accompany this memorandum and order.



CHARLES A. SHAW  
UNITED STATES DISTRICT JUDGE

Dated this 11th day of May, 2006.